

Planning/Zoning, Land Design & Development Meeting
Tuesday, March 16, 2010
2:05 P.M.
Third Floor, City Hall

Absent: CM Johnson (Excused) CM Downard (Excused)
and CM Brent Ackerson (Excused)

Pending Legislation

Status:-In-Committee
Committee:-Planning/Zoning, Land Design & Development
Primary Sponsor:-Jon Ackerson

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 18, 2010. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Stuckel's District. The following were items of discussion and concern:

- Request is to bring the site into compliance
- Binding Element allows for additional review of a proposal for heavier industrial or manufacturing use
 - Would have a review by the Planning Commission with a noticed public hearing for a consideration of plan changes but would not come before the Council
- Reuse of an existing facility

CM Stuckel, District Representative, is in favor of the zoning change.

This Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Barbara Shanklin, Glen Stuckel, Jon Ackerson, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Kelly Downard, Dan Johnson, Brent Ackerson

O-57-03-10 AN ORDINANCE CHANGING THE TRADITIONAL NEIGHBORHOOD ZONING DISTRICT MAP FROM NEIGHBORHOOD GENERAL/SINGLE & TWO FAMILY RESIDENTIAL TO CAMPUS EDGE TRANSITION ON PROPERTY LOCATED AT 1830 S. 3RD STREET, TO NEIGHBORHOOD GENERAL/MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 1615 S. 3RD STREET, TO NEIGHBORHOOD GENERAL/INSTITUTIONAL ON PROPERTY LOCATED AT 1412 S. 6TH STREET, AND TO NEIGHBORHOOD GENERAL/CORNER COMMERCIAL ON PROPERTY LOCATED AT 1100 S. 7TH STREET, AND FROM NEIGHBORHOOD CENTER TO NEIGHBORHOOD CENTER TRANSITION ON PROPERTY LOCATED AT 1218 S. 4TH STREET, AND BEING IN LOUISVILLE METRO (CASE NO. 13695). (May 18, 2010)

Status:-In-Committee

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Jon Ackerson

Motion to Approve made by Glen Stuckel and seconded by Madonna Flood.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 18, 2010. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Unseld's District. The following were items of discussion and concern:

- Map amendments for 5 separate parcels in this District
 - Campus Edge Transition at 1830 S. 3rd St.
 - Neighborhood General allowing for Multi-Family use at 1615 S. 3rd St.
 - Neighborhood General/Institutional at 1412 S. 6th St.
 - Neighborhood Center Transitional at 1218 S. 4th St.
 - Neighborhood General/Corner Commercial at 1100 S. 7th St.
- Will be within the TNZD
- This does not change the zoning but does change the way the parcels are mapped

This Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Barbara Shanklin, Glen Stuckel, Jon Ackerson, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Kelly Downard, Dan Johnson, Brent Ackerson

R-60-03-10 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM KENTUCKY HERITAGE COUNCIL IN THE AMOUNT OF \$3,600 FOR LOUISVILLE METRO HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION THROUGH THE DEPARTMENT OF CODES AND REGULATIONS. (September 11, 2010)

Status:-In-Committee

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Tom Owen

Motion to approve made by Glen Stuckel and seconded by Madonna Flood.

Discussion: Dawn Warrick, DPDS, spoke to the item. The grant is to present a one day program open to the public and free of charge called the 2010 Rehab A Rama. A national expert is brought in for programming and short seminars relating to rehabbing of historical structures.

By voice vote, this Resolution was sent to the **Consent Calendar**.

O-231-12-09 AN ORDINANCE CHANGING THE NAME OF DEER TRACE LANE, BETWEEN 11700 GLENMARY VILLAGE BOULEVARD AND 11600 LARKINFORD WAY, TO BUCK RIDGE LANE, SAID STREET BEING IN LOUISVILLE METRO (CASE NO. 13350). (May 19, 2010)

Status:-In-Committee Held

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Tom Owen

Motion to approve made by Glen Stuckel and seconded by Barbara Shanklin.

Discussion: Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda on November 19, 2009 and confirmed on the Planning Commission's Consent Agenda on February 18, 2010, due to an error on the staff report and transmittal to Metro Council. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Stuckel's District. The following were items of discussion and concern:

- Reason for the change - this is duplicate street name

- The change will help clear up any confusion in regards to emergency services
- 100% adjoining property owners agreed

CM Stuckel, District Representative, is in favor of this name change.

This Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Barbara Shanklin, Glen Stuckel, Jon Ackerson, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Kelly Downard, Dan Johnson, Brent Ackerson

O-49-02-10 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO OR-3, OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 100, 310 AND 312 NORTH WHITTINGTON PARKWAY AND 950 NORTH HURSTBOURNE PARKWAY, CONTAINING 189.6 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 13644). (May 4, 2010)

Status:-In-Committee - Tabled

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Jon Ackerson

Motion to Untable made by Glen Stuckel and seconded by Madonna Flood.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 4, 2010. No one spoke in opposition and three spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Jon Ackerson's District. This matter was discussed at the last meeting and was referred to the County Attorney's Office for consideration and conference meeting with the Applicant and interested parties. That meeting was held on March 12 and Theresa Senninger, Assistant County Attorney, gave a report of the meeting. (A summary of the meeting is attached). The following amended and additional proposed binding elements were along with additional issues:

- Notice of all detailed district development plans, revised detailed district development plans, amendment to General Plan binding elements, Amendment to detailed plan binding elements, conditional use permits, waivers and variances shall be sent at least 45 days prior to a hearing by the Planning Commission instead of 30 days - agreed
- Sidewalks along Shelbyville Road Frontage - agreed
- Two additional Binding Elements
 - 16 – No garbage or recyclables collection services and no parking lot sweeping or cleaning, except snow and ice removal, shall be conducted between the hours 10PM to 7AM within the Bellemeade Protection Area - agreed.
 - 17 – Any use of subject property that differs from the uses presented will require final approval by Metro Council but if it is an accessory use that is different, it will not require Metro Council approval - agreed
- Review process
- Accessory use is a secondary use
- Two additional issues
 - Roadway improvements cost sharing
 - A letter will be submitted to become part of the file acknowledging cost sharing
 - Traffic and Air Quality
- Acceptable vs. unacceptable level of service at an intersection
- Metro Council would have final say if a change is made in the Binding Elements
- Staff findings

Motion to Amend by amending and adding binding elements as follows Made by Glen Stuckel and seconded by Barbara Shanklin.

- 1. PRIOR TO DEVELOPMENT (INCLUDING CLEARING AND GRADING) OF EACH SITE OR PHASE OF THIS PROJECT, THE APPLICANT, DEVELOPER, OR PROPERTY OWNER SHALL OBTAIN APPROVAL OF A DETAILED DISTRICT

DEVELOPMENT PLAN IN ACCORDANCE WITH CHAPTER 11, PART 6. EACH PLAN SHALL BE IN ADEQUATE DETAIL AND SUBJECT TO ADDITIONAL BINDING ELEMENTS. NOTICE OF ALL DETAILED DISTRICT DEVELOPMENT PLANS, REVISED DETAILED DISTRICT DEVELOPMENT PLANS, AMENDMENT TO GENERAL PLAN BINDING ELEMENTS, AMENDMENT TO DETAILED PLAN BINDING ELEMENTS, CONDITIONAL USE PERMITS, WAIVERS AND VARIANCES SHALL BE SENT AT LEAST ~~30~~ 45 DAYS PRIOR TO A HEARING BY THE PLANNING COMMISSION, BOARD OF ZONING ADJUSTMENT, OR COMMITTEE THEREOF, EXCEPT FOR REVISED DETAILED DISTRICT DEVELOPMENT PLANS AND AMENDMENT TO DETAILED PLAN BINDING ELEMENTS THAT MEET THE CRITERIA FOR APPROVAL BY THE PLANNING DIRECTOR. THIS NOTICE REQUIREMENT SHALL INCLUDE NOTICE TO THE MAYOR OF THE CITY OF BELLEMEADE.

- 4. SIDEWALKS ALONG SHELBYVILLE ROAD FRONTAGE. ~~AT THE TIME OF DEVELOPMENT OF EACH SITE ABUTTING SHELBYVILLE ROAD, SIDEWALKS SHALL BE INSTALLED AND MAINTAINED ALONG SHELBYVILLE ROAD TO THE EXTENT EACH SITE ABUTS SHELBYVILLE ROAD.~~ A SIDEWALK SHALL BE CONSTRUCTED ALONG THE SHELBYVILLE ROAD FRONTAGE WITHIN EIGHTEEN MONTHS OF APPROVAL OF THE CHANGE IN ZONING BY THE LOUISVILLE METRO COUNCIL. THE SIDEWALK SHALL BE PLANNED AND LOCATED IN CONJUNCTION WITH THE KENTUCKY TRANSPORTATION CABINET AND METRO PUBLIC WORKS AND SHALL BE DESIGNED TO ACCOMMODATE THE FUTURE EXPANSION OF SHELBYVILLE ROAD.
- 13. TRAFFIC AND AIR QUALITY. THE PROPOSED DEVELOPMENT SHALL OCCUR IN PHASES. THE FIRST PHASE SHALL CONSIST OF APPROXIMATELY 300,000 SQUARE FEET GENERALLY ALONG THE EASTERN BOUNDARY OF THE PROPERTY ADJACENT TO HURSTBOURNE PARKWAY (KY 1747), WEAKLEY WAY AND PORTER PLACE, NORTH OF THE EXISTING COMMERCIAL DEVELOPMENT AND SOUTH OF THE NEWLY CONSTRUCTED CENTER OF PREDICTIVE MEDICINE ("PHASE 1"). PHASE 1 SHALL OCCUR ON APPROXIMATELY 20 ACRES OF THE PROPERTY AND HAS A FORECASTED BUILD-OUT DATE OF 2016. THE TRAFFIC IMPACT STUDY DATED FEBRUARY 2, 2010 AND THE AIR QUALITY ANALYSIS DATED FEBRUARY 2, 2010, BOTH PREPARED BY QK4 ENGINEERS, RELATE TO PHASE 1. PRIOR TO OR AT THE TIME OF THE SUBMITTAL OF A DEVELOPMENT PLAN FOR ANY SUBSEQUENT PHASE OF THE DEVELOPMENT, AN UPDATED TRIM GENERATION, TRAFFIC IMPACT STUDY AND AIR QUALITY ANALYSIS, OR ADDITIONAL ANALYSIS IF WARRANTED BY CHANGE IN DEVELOPMENT CHARACTER, SHALL BE PROVIDED IN ACCORDANCE WITH METRO PUBLIC WORKS ("MPW") AND KENTUCKY TRANSPORTATION CABINET AND AIR POLLUTION CONTROL DISTRICT REQUIREMENTS. THE DEVELOPMENT PLAN FOR ANY SUBSEQUENT PHASE MAY BE DENIED ON THE BASIS OF AN UPDATED ANALYSIS PROVIDED AS REQUIRED BY THIS BINDING ELEMENT WHICH REVEALS AN INCREASED, UNACCEPTABLE LEVEL OF SERVICE AT ANY ANALYZED INTERSECTION, INCLUDING, WHERE REQUIRED BY MPW, THE INTERSECTION OF SHELBYVILLE ROAD AND HURSTBOURNE PARKWAY, WITHOUT REASONABLE, APPROPRIATE AND FEASIBLE MITIGATION MEASURES DESIGNED TO OFFSET TRAFFIC IMPACTS AS DETERMINED BY MPW AND THE KENTUCKY TRANSPORTATION CABINET, WHICH MEASURES SHALL BE IMPLEMENTED PRIOR TO COMPLETION OF THE PROPOSED DEVELOPMENT AS SHOWN ON THE DEVELOPMENT PLAN.
- 16. NO GARBAGE OR RECYCLABLES COLLECTION SERVICES AND NO PARKING LOT SWEEPING OR CLEANING (EXCEPT SNOW AND ICE REMOVAL) SHALL BE CONDUCTED BETWEEN THE HOURS OF 10 PM AND 7AM WITHIN THE BELLEMEADE PROTECTION AREA.
- 17. IF AMENDMENTS TO THESE GENERAL PLAN BINDING ELEMENTS ARE REQUESTED OR A DETAILED PLAN IS PRESENTED PROPOSING A USE OF THE SUBJECT PROPERTY THAT DIFFERS FROM THE USES PRESENTED AT THE FEBRUARY 4, 2010 PLANNING COMMISSION PUBLIC HEARING (WHICH INCLUDED RESEARCH, OFFICE AND AN ACADEMIC CORE), THE APPLICATION SHALL RECEIVE FINAL APPROVAL BY THE METRO COUNCIL BASED ON A RECOMMENDATION OF THE PLANNING COMMISSION OR A COMMITTEE THEREOF AFTER A DULY-NOTICED PUBLIC MEETING AS REQUIRED PURSUANT TO ALL APPLICABLE LAWS AND REGULATIONS. THIS BINDING ELEMENT SHALL NOT REQUIRE METRO COUNCIL APPROVAL OF A DETAILED PLAN PROPOSING AN ACCESSORY USE THAT IS DIFFERENT FROM THE MIX OF USES PRESENTED AT THE FEBRUARY 4, 2010 PLANNING COMMISSION PUBLIC HEARING.

By voice vote, the Amendment passed.

This Ordinance as Amended was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Barbara Shanklin, Glen Stuckel, Jon Ackerson, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Kelly Downard, Dan Johnson, Brent Ackerson

O-8-01-10 AN ORDINANCE AMENDING CHAPTERS 1, 2, 4 AND 8 OF THE LAND DEVELOPMENT CODE PERTAINING TO SIGNS (CASE NO. 8503). (May19, 2010)

Status:-In Committee - Tabled

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Tom Owen

Discussion: This Ordinance remained **Tabled**.

O-33-02-10 AN ORDINANCE RELATING TO USE OF PORTABLE STORAGE UNITS AND DUMPSTERS. (August 11, 2010)

Status:-In-Committee - Tabled

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Brent Ackerson

Discussion: This Ordinance remained **Tabled**.

O-28-01-10 AN ORDINANCE CHANGING THE ZONING FROM R-6, MULTI-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 3145-R, 3147, 3151, 3153 AND 3155 SOUTH 3RD STREET, CONTAINING 0.66 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12897). (April 7, 2010)

Status:-In Committee - Tabled

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Jon Ackerson

Discussion: This Ordinance remained **Tabled**.

O-176-10-09 AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 153 OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (LMCO) RELATING TO THE TIME AND LOCATION OF PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT HEARINGS. (Re-Introduced March 11, 2010) (September 11, 2010)

Status:-In-Committee

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-James Peden

Discussion: This Ordinance was **Held in Committee**.

R-192-09-09 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION ON A PROPOSED AMENDMENT TO SECTION 2.4.3.D.2 OF THE LAND DEVELOPMENT CODE REGARDING PERMITTED DENSITY OF RESIDENTIAL DEVELOPMENT IN THE C-1, COMMERCIAL ZONING DISTRICT. (Re-Introduced March 11, 2010) (September 11, 2010)

Status:-In-Committee

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:

-James Peden

-Rick Blackwell

Discussion: This Ordinance was **Held in Committee**.

Motion to adjourn made by Glen Stuckel. Without objection, the meeting adjourned at 3:07 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on March 25, 2010.**

KQG